

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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Amendments to Parts 1, 2 and 101  
of the Commission's Rules  
To License Fixed Services at 24 GHz  
\_\_\_\_\_

WT Docket No. 99-327

**RECEIVED**

DEC 29 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**COMMENTS  
OF  
WIRELESS ONE HOLDING COMPANY, L.P.**

**INTRODUCTION**

Wireless One Holding Company, L.P. ("Wireless One") is a provider of cellular telephone service in several markets in Florida. Wireless One commends the Commission's efforts to finalize rules for licensing and service in the 24 MHz band. Its specific comments are outlined below.<sup>1</sup>

**COMMENTS**

**Permissible Use for 24 GHz Services**

The Table of Allocations provides for fixed service on a primary basis in the 24 GHz band. The Commission has asked for comments on whether Mobile Services should be added to the Table of Allocations for the 24 GHz band. While Wireless One supports the goal of providing 24 GHz licensees with flexibility in designing their systems, Wireless One suggests that mobile services should be permitted on a secondary basis so as not to detract from the primary development of the fixed uses for the band.

<sup>1</sup> The time for filing Comments was extended to January 19, 2000, by Notice released December 10, 1999.

### **Geographic Area-Wide Licensing**

The Commission proposes using economic areas (“EAs”) for the 24 GHz licenses. Wireless One supports the geographic area-wide licensing scheme proposed in the Notice of Proposed Rulemaking.

### **Treatment of Incumbents**

Wireless One supports the proposal that 24 GHz operations be governed by Part 101 of the Rules and that incumbents transferred from the 18 GHz band would be subject to the same rules. It is essential that all licensees be subject to uniform licensing and systems operations rules.

### **Spectrum Blocks**

Relocated operations are operating 40 MHz channel pairs. The Commission in its Rulemaking proposes the same amount of spectrum be provided to each new 24 GHz licensee. Wireless One supports spectrum blocks as proposed. As with the application of Part 101 of the Rules, the new licensees and incumbents should be treated equally with respect to the availability of spectrum. Wireless One also supports proposed rules for spectrum disaggregation and partitioning, believing as the Commission does, that such efforts will lower inter-barriers facilitating greater participation by small business entities.

### **Competitive Bidding**

The Commission proposes to conduct auctions for initial licenses in the 24 GHz band consistent with its general competitive bidding rules. It proposes bidding credits for small business and very small business entities. Wireless One supports the bidding

credits as a way to foster competition and encourage participation by small business entities.

However, it is important that the rules governing the determination of the small business eligibility be clear. The definition of “small business” as a firm with average annual gross revenues for the three preceding years not in excess of 40 million dollars and the definition of the “very small business” as one with average annual gross revenues for the three preceding years not in excess of 15 million dollars is consistent with past actions. Nonetheless, it is important to make it clear that the personal income of individuals that are principals or affiliates of the small or very small business entity is not to be aggregated in determining the entities classification.

Although the Commission eliminated the personal net worth calculation in its competitive bidding Fifth Memorandum Opinion and Order, 10 FCC Rcd 403, 421 (1995), it was never clear how that meshed with the requirement that gross revenues be calculated by aggregating the gross revenues of the applicant, its affiliates and controlling principals as required in §24.720 of the Commission’s Rules. This was especially true in face of the definition of affiliate in §24.720. In revision of Parts 22 and 90 of the Commission’s Rules to Facilitate Future Development of Paging Systems, Memorandum Opinion and Order on Reconsideration and Third Report and Order, WT Docket No. 96-18, released May 24, 1999, the Commission stated at paragraph 100: “Personal income is treated as an element of personal net worth, and thus is not attributable.” In light of the apparent confusion concerning this matter, the Commission is urged to make it clear that personal income is not to be considered in calculating the aggregate revenues of the applicant, its affiliates and controlling principals.

**CONCLUSION**

Wireless One commends the Commission for its efforts in this proceeding and respectfully requests that the Commission, in finalizing its Rules, consider the comments made herein.

Respectfully submitted,

**WIRELESS ONE HOLDING COMPANY, L.P.**

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